

**JUL 22 2009**

PTOL-413A (01-09)

 Approved for use through 02/28/2009. OMB 0651-0031  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## Applicant Initiated Interview Request Form

 Application No.: 10/786,802 First Named Applicant: CORTEZ Bruce  
 Examiner: HAILU, Kibrom T Art Unit: 2416 Status of Application: Rejection
**Tentative Participants:**

 (1) Ronald Slusky (2) Kibrom T Hailu  
 (3) \_\_\_\_\_ (4) Huy D. Vu

 Proposed Date of Interview: 07/06/2009 Proposed Time: 11:00 AM AM/PM

**Type of Interview Requested:**

 (1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

 Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rejection</u>	<u>1-18</u>	<u>Dolganow/McLean</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached

**Brief Description of Argument to be Presented:**

Applicants claim (e.g. claim 1) that available bandwidth message is sent when particular thresholds are crossed.

These are fixed bandwidth thresholds that are independent of the amount of bandwidth available for the link

at a given time.) Delganow's thresholds for sending messages are NOT independent of the amount of (see continuation

 An interview was conducted on the above-identified application on 7/9/09
**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Ronald D. Slusky

Typed/Printed Name of Applicant or Representative

26,585

Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**CONTINUATION SHEET FOR  
APPLICANT-INITIATED INTERVIEW REQUEST FORM**

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**APPLICATION 10/786,802**

**3. Brief Description of Argument to be Presented (continued)**

bandwidth available for the link at a given time. Rather, they are based on a percentage of the last advertised bandwidth value. Thus Dolganow's thresholds are **DEPENDENT**, **NOT INDEPENDENT**, of the amount of bandwidth available for the link.

Moreover, McLean may have thresholds that are **INDEPENDENT** of the amount of the bandwidth available for a link. However, those thresholds do not relate to thresholds for determining when an available bandwidth message is to be sent. Therefore, combining the teachings of Delano and McLean does not result in an arrangement which advertises an amount of available bandwidth in response to the available bandwidth having crossed thresholds that are independent of the link's then-available bandwidth.

Rather, the sending of available bandwidth messages (advertising) in any combination of Dolganow with McLean would necessarily still use Dolganow's scheme for deciding when to send them.

The fact that it might be obvious to use McLean's thresholds in Dolganow for one purpose—namely for the reasons cited by the examiner—does not render it obvious to use McLean's thresholds for all purposes. Since McLean is totally silent about the sending of bandwidth advertising messages, there is no basis to assert that the person of ordinary skill would be led by anything in McLean to modify Dolganow's percentage-based scheme for determining when to send such messages.

Applicants are **NOT** saying that there is no motivation to combine. Applicants are saying that any obvious combination motivated by the teachings of McLean would not have any affect on the criteria for sending available bandwidth messages.